

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on August 13, 2007

PATENT
Attorney Docket No. 021737-001100US

TOWNSEND and TOWNSEND and CREW LLP

By:


Joni E. Peterson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JEFFREY J. GRAINGER

Application No.: 09/919,764

Filed: July 31, 2001

For: USER INTERFACE FOR
MANAGING INTELLECTUAL
PROPERTY

Confirmation No. 4015

Examiner: Dennis G. Bonshock

Technology Center/Art Unit: 2173

APPELLANTS' BRIEF UNDER
37 CFR §41.37

Via EFS Web
Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal mailed on January 11, 2007 for the above-referenced application, Appellants submit this Brief on Appeal (the "Brief"). This Brief is submitted with a Petition for a five-month extension of time, extending the deadline for filing the Brief to August 11, 2007. Because August 11, 2007 fell on a Saturday, 35 U.S.C. § 21 specifies that the Brief may be filed on the next succeeding business day. This Brief is filed on August 13, 2007, which is the next succeeding business day after August 11, 2007. Accordingly, this Brief is believed to have been timely filed.

TABLE OF CONTENTS

1. REAL PARTY IN INTEREST	3
2. RELATED APPEALS AND INTERFERENCES.....	3
3. STATUS OF CLAIMS	3
4. STATUS OF AMENDMENTS	4
5. SUMMARY OF CLAIMED SUBJECT MATTER.....	4
6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....	9
7. ARGUMENT	10
8. CONCLUSION.....	18
9. CLAIMS APPENDIX.....	19
10. EVIDENCE APPENDIX.....	27
11. RELATED PROCEEDINGS APPENDIX	28

1. REAL PARTY IN INTEREST

FTF Technologies, Inc., of Boise Idaho, is the real party in interest. Corporation Services Company, of Wilmington, Delaware, has a majority ownership interest in FTF Technologies, Inc.

2. RELATED APPEALS AND INTERFERENCES

The following appeals may be related to, directly affect, be directly be affected by, or have a bearing on the Board decision in this appeal:

- U.S. Patent Application No. 09/872,764 (no appeal number assigned)
- U.S. Patent Application No. 09/919,768 (no appeal number assigned)
- U.S. Patent Application No. 09/996,338 (Appeal No. 2007-0776)
- U.S. Patent Application No. 09/996,341 (no appeal number assigned)
- U.S. Patent Application No. 09/997,311 (no appeal number assigned)

3. STATUS OF CLAIMS

Claims 1-38 are currently pending in this application. All pending claims stand finally rejected pursuant to a Final Office Action mailed October 11, 2006. A copy of the claims as rejected is provided in the **Claims Appendix**, infra. Claims 1, 13, 20, 32, 33 and 35 are independent claims.

Claims 1-11, 13-18, 20, 21, 23-29, and 31-38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,499,026 to Rivette et al. (hereinafter, "Rivette").¹ Claims 12, 19, 22 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rivette. The rejections of each of claims 1-38 are believed to be improper and are the subject of this appeal.

¹ Although the Final Office Action indicates, at one point, that "Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Rivette," Final Office Action at 2, ¶ 6, the remainder of the final office action treats claims 12, 19, 22 and 30 as being unpatentable under § 103(a) over Rivette. It is believed that the statement in paragraph 6 of the Final Office Action is a mistake, and this Brief assumes that claims 12, 19, 22 and 30 stand rejected under § 103(a), not § 102(e).

4. STATUS OF AMENDMENTS

No claims have been amended subsequent to the Final Office Action mailed October 11, 2007.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention relates to graphical user interfaces for presenting information pertaining to a patent application, and to methods and systems of providing such user interfaces. In particular, such user interfaces can provide access to access documents and other information that is stored electronically and is associated with a particular patent application. Application, ¶ 04. Because the process of filing and prosecuting a patent application can involve many papers, including much correspondence between a patent applicant (or the applicant's attorney) and a patent office, it is important to maintain adequate organization of such papers. *See id.*, ¶ 10. Typically, patent filers maintain a paper-based file for each application, in each individual country in which patent protection is sought, and many patent filers are comfortable with a particular mode of organization in their paper files. *See id.* Hence, while there are many benefits to maintaining such files electronically, it is helpful if the electronic information can be presented in a manner that is familiar to patent filers. *See id.* Accordingly, the inventors have conceived of a graphical user interface that provides quick and easy access to the various communications and documents associated with a patent application. *Id.*, ¶ 11.

Merely by way of example, claim 1 is directed to a graphical user interface that provides information pertaining to a patent application. Figures 4 and 5 illustrate two embodiments of such graphical user interfaces. *Id.*, Figs. 4-5, ¶¶ 36, 43. As shown in Fig. 4, the graphical user interface comprises at least a first display section and a second display section. *Id.*, Fig. 4 (ref. no. 234, 236), ¶ 36. The first display section displays a plurality of first file links (which can be HTML links, as illustrated by Fig. 4, or other types of links) selectable by a user; each of the first file links provides access to a patent document that was filed in or sent from a patent office. *Id.*, Fig. 4 (ref. no. 234, 242); ¶ 38. Such patent documents are stored on a computer readable medium, in an image file format. *Id.*, ¶¶ 29, 38. When one of the first file

links is selected, an associated underlying resource is automatically returned. *Id.*, ¶¶ 36-37. Underlying resources can include, without limitation, for example, a document, a page, a folder, a package, and/or the like. *Id.*, ¶ 36.

The second display section displays a plurality of second file links selectable by the user. *Id.*, Fig. 4 (ref. no. 236, 244), ¶ 39. In one aspect, the second display section might display links to files that were created by the patent filer (or an associated entity), and such files might be accessible by an application that created the file. *Id.*, ¶ 39. Hence, each of the second file links provides access to a patent file that is associated with an application and is stored on a computer readable medium. *Id.*, ¶¶ 29, 39. In accordance with claim 1, the patent files and patent documents all pertain to the same patent application. *Id.*, ¶ 35.

In some cases, as recited by claim 4, for example, the graphical user interface includes a third display section, which displays a plurality of third file links selectable by the user. In a particular case, the third display section may be a correspondence section, as illustrated by Fig. 4. *Id.*, Fig. 4 (ref no. 232, 240), ¶ 36. Each of these third file links provides access to correspondence generated from one or more of an inventor client system, an in-house client system, or an outside representative client system. *Id.*, ¶¶ 12, 36. The correspondence, which is stored on a computer readable medium, corresponds to the patent application. *Id.*, ¶¶ 29, 35.

Claim 13 recites a method of providing access to information pertaining to a patent application. *Id.*, ¶ 13. The method of claim 13 comprises storing the information on a computer readable medium. *Id.*, ¶ 29. The information includes correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system. *Id.*, ¶¶ 13, 29, 36. The information also includes patent documents filed in or sent from a patent office, and patent files associated with the patent application. *Id.*, ¶¶ 38, 39. At least some of the patent documents are stored in an image file format, and at least some of said patent files are associated with an application program. *Id.*

The method of claim 13 further comprises accessing the computer-readable medium with a computer processor and using the computer processor to generate, on a display,

at least first, second and third separate sections. *Id.*, ¶ 13. In some embodiments, the graphical user interface of Fig. 4, discussed above, might provide the three separate sections. *Id.*, Fig. 4 (ref. no. 232, 234, 236). Hence, for example, the first section displays a list of the correspondence. *Id.*, Fig. 4 (ref. no. 232), ¶ 36. The second section displays a list of the patent documents, *id.*, Fig. 4 (ref. no. 234), ¶ 38, and the third section displays a list of the patent files. *Id.*, Fig. 4 (ref. no. 236), ¶ 39.

Claim 20 is directed to a computer-implemented method of providing access to information pertaining to a patent application. *Id.*, ¶ 13. The method of claim 20 comprises storing the information on a computer readable medium. *Id.*, ¶ 29. The information includes correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system. *Id.*, ¶¶ 13, 29, 36. The information also includes patent documents filed in or sent from a patent office, and patent files associated with the patent application. *Id.*, ¶¶ 38, 39. At least some of the patent documents are stored in an image file format, and at least some of said patent files are associated with an application program. *Id.*

The computer-readable medium is accessible to a server system. *Id.*, ¶ 13. Figure 2 illustrates one such server system, in accordance with an embodiment. *Id.*, Fig. 2 (ref. no. 100), ¶ 27. The method of claim 20 further comprises generating a web page from the server system. *Id.*, Fig. 2 (ref. no. 101), ¶¶ 13, 27. In an aspect, the web page might provide a graphical user interface such as the interface illustrated by Figure 4, described above. *Id.*, Fig. 4, ¶ 35. The web page includes at least first, second and third separate sections. *Id.*, Fig. 4 (ref. no. 232, 234, 236), ¶¶ 13, 36. In an aspect, the first section comprises file links to the correspondence, *id.*, Fig. 4 (ref. no. 232), ¶ 36, the second section comprises file links to the patent documents, *id.*, Fig. 4 (ref. no. 234), ¶ 38, and the third section comprises file links to the patent files. *Id.*, Fig. 4 (ref. no. 236), ¶ 39. In another aspect, the method of claim 20 further comprises viewing the web page from a client system. *Id.*, ¶ 34.

Claim 32 recites a system for managing information related to patent applications. An exemplary system, in accordance with one embodiment, is an IP Data Processing System, such as the system illustrated by Fig. 2. *Id.*, Fig. 2 (ref. no. 100). The system of claim 32 comprises a processor, a database, and a memory for storing a computer program. *Id.*, Fig. 2 (ref. no. 100, 101), ¶ 27. The processor is operative with the computer program to store, in the database, information including correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system. *Id.*, ¶¶ 13, 29, 36. The information also includes patent documents filed in or sent from a patent office, and patent files associated with the patent application. *Id.*, ¶¶ 38, 39. At least some of the patent documents are stored in an image file format, and at least some of said patent files are associated with an application program. *Id.*

The processor of claim 32 is also operative with the computer program to generate a graphical user interface that can be displayed on a display; the graphical user interface of Fig. 4 (described above) is one example of a graphical user interface that can be generated by the system of claim 32. *Id.*, Fig. 4 (ref. no. 230). Hence, the graphical user interface provides access to the information stored in the database, and it includes at least three separate sections. *Id.*, Fig. 4 (ref. no. 232, 234, 236), ¶¶ 13, 26, 38, 39. A first section of the graphical user interface comprises a list of the correspondence, while a second section comprises a list of the patent documents and the third section comprises a list of the patent files. *Id.*

Claim 33 is directed to a networked system, which comprises a communication network. Figure 2 illustrates a networked system in accordance with one embodiment. *Id.*, Fig. 2 (ref. no. 100, 50). The system of claim 33 also comprises a client system coupled to the communication network; the client system comprises a processor and a display. Examples of client systems can include, without limitation, inventor client systems, in-house client systems, outside representative client systems, or the like. *Id.*, Fig. 2 (ref. no. 110, 120, 130), ¶ 27. The networked system further comprises a server system, with a processor, a database, and a memory for storing a computer program; the server system is also coupled to the communication network. *Id.*, Fig. 2 (ref. no. 100, 101), ¶ 27.

The processor of the server system is operative with the computer program to store, in the database, information including correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system. *Id.*, ¶¶ 13, 29, 36. The information also includes patent documents filed in or sent from a patent office, and patent files associated with the patent application. *Id.*, ¶¶ 38, 39. At least some of the patent documents are stored in an image file format, and at least some of said patent files are associated with an application program. *Id.*

The processor of the server system is also operative with the computer program to generate a graphical user interface that can be displayed on the client system; the graphical user interface of Fig. 4 (described above) is one example of a graphical user interface that can be generated by the system of claim 32. *Id.*, Fig. 4 (ref. no. 230), ¶ 27. The graphical user interface provides access to the information stored in the database, and it includes at least three separate sections. *Id.*, Fig. 4 (ref. no. 232, 234, 236), ¶¶ 13, 26, 38, 39. A first section of the graphical user interface comprises a list of the correspondence, while a second section comprises a list of the patent documents and the third section comprises a list of the patent files. *Id.*

Claim 35 is directed to a computer graphical user interface. Figures 4 and 5 (discussed above) are examples of one such interface in accordance with one set of embodiments of the invention. *Id.*, Figs. 4 (ref. no. 230), ¶ 36. The graphical user interface of claim 35 provides access to information pertaining to a patent or patent application, and it comprises three display sections displayed side-by-side across a width of a display, as illustrated, for example, by Figure 4. *Id.*, Fig. 4 (ref. no. 232, 234, 236), ¶¶ 13, 26, 38, 39.

The first display section comprises a first plurality of rows; each row in the first plurality of rows includes an image file link selectable by a user, and each of the image file links provides access to a file history document stored on a computer-readable medium in an image file format. *Id.*, Fig. 4 (ref. no. 234, 242), Fig. 5 (ref. no. 234, 260, 262, 264), ¶¶ 38, 44. Each file history document represents a document that was filed in or sent from a patent office for the patent or patent application. *Id.*

The second display section comprises a second plurality of rows, each of which includes a document file link selectable by a user. *Id.*, Fig. 4 (ref. no. 236, 244), Fig. 5 (ref. no. 236, 268, 270, 272, 274, 278), ¶¶ 39, 40 (p. 12, l. 28- p. 13, l. 6). Each of the document file links provides access to an application document that is associated with an application program and stored on a computer-readable medium. *Id.*, ¶¶ 29, 39, 40 (p. 12, l. 28- p. 13, l. 6). At least one of the application documents is stored in a word processor format and corresponds to a file history document stored in an image file format that is accessible through the plurality of first file links. *Id.*, ¶ 46.

The third display section includes a third plurality of rows, each of which includes a correspondence file link selectable by a user. *Id.*, Fig. 4 (ref. no. 232, 240), Fig. 5 (ref. no. 232, 252, 254, 256a, 256b, 258), ¶¶ 36, 43 (p. 13, l. 26—p. 14, l. 12); Each of the correspondence file links provides access to correspondence generated from an inventor client system, an in-house client system and/or an outside representative client system; this correspondence is stored on a computer-readable medium. *Id.*, ¶¶ 13, 29, 36.

In accordance with claim 35, the file history documents, the application documents and the correspondence documents (which are, as noted above, accessible from the first, second and third display sections, respectively) pertain to a single patent or patent application. *Id.*, ¶ 35. When one of the file links is selected, an associated underlying resource is automatically returned. *Id.*, ¶¶ 36-37.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-11, 13-18, 20, 21, 23-29, and 31-38 are anticipated under 35 U.S.C. § 102(e) by Rivette.
2. Whether claims 12, 19, 22 and 30 are unpatentable under 35 U.S.C. § 103(a) over Rivette.

7. ARGUMENT

1. Claims 1-11, 13-18, 20, 21, 23-29 and 31-38 are allowable over Rivette.

To support a rejection under 35 U.S.C. § 102, the Examiner is obligated to establish that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (quotation marks omitted). Moreover, although *ipsis verbis* disclosure of the claim elements is not required to establish anticipation, "[t]he elements must be arranged as required by the claim." *Id.*

Although the Final Office Action asserts that Rivette teaches each element of the rejected claims, the Appellant respectfully submits that the Examiner is mistaken, and that Rivette in fact fails to teach, or even to suggest, each element of any pending claim. In particular, it is worth noting that the present claims and Rivette, respectively, are directed to solutions to two very different problems.

The rejected claims are directed to solutions for providing information about a single patent application at a time. As such, they recite systems, methods and interfaces that allow a patent prosecutor, inventor, patent owner, etc. to easily deal with images of documents (such as correspondence from an inventor, outside counsel, a patent office, etc.), as well as files (e.g., a patent application, an amendment, etc.) generated by a software application (such as a word processor, etc.). Accordingly, the user interfaces recited by the present claims are designed to allow the user to view and work with relevant documents and files from a single patent application in an organized manner.

In contrast, Rivette is directed to an intellectual property analysis system that allows for the grouping of large numbers of issued patents for analysis, in order to inform business decisions based on those patents. *See, e.g.*, Rivette, c. 11, ll. 46-52. Accordingly, the user interface of Rivette is designed to allow a user to view and process multiple patents on a group basis, basically allowing a user to survey the patent landscape in a particular technology area.

Because Rivette is directed to solving a very different problem than that addressed by the present claims, it is perhaps unsurprising that Rivette does not teach or suggest the elements of any pending claim.

a) Claim 1

Consider, for example, claim 1, which recites, inter alia, "a first display section in which is displayed a plurality of first file links selectable by said user, each of said first file links providing access to a patent document that was filed in or sent from a patent office and that is stored on a computer-readable medium in an image file format, wherein when one of said first file links is selected an associated underlying resource is automatically returned." Claim 1 also recites "a second display section in which is displayed a plurality of second file links selectable by said user, each of said second file links providing access to a patent file that is associated with an application program and stored on a computer-readable medium." Finally, claim 1 recites that "said patent documents and said patent files accessible from said first and second display sections all pertain to said patent application."

Rivette teaches none of these elements. The Final Office Action relies on column 113, line 65 – column 14, line 46, column 115, lines 7-15, and figures 117, 118, 123, 124 and 130, of Rivette as teaching all of these elements. Final Office Action, at 3 (¶ 7), 15-17 (¶¶ 37-43). To anticipate claim 1, however, Rivette would have to teach a user interface with two separate display sections, both of which display a plurality of file links. Moreover, the file links in both of these display sections would have to pertain to the same patent application. There is simply no way to read the cited portions of Rivette as teaching these features.

For instance, a review of Figures 117 and 118 of Rivette (the only two cited figures that include two different display sections) reveals that neither of these two user interfaces (or "consoles," to use the terminology of Rivette) comprises two display sections (or "panes," in Rivette's lexicon) with file links. Instead, Figure 117 does not illustrate any file links at all. Figure 118 is slightly more illustrative, but that figure illustrates only one window with file links: "the document pane 11706 includes a list of patents and other documents which are contained within a group selected from the group hierarchy depicted in the group pane 11704."

Rivette, Fig. 117, 118, c. 114, ll. 21-25. The other pane (the "group pane 11704") does not comprise any file links. Instead, "[a] group hierarchy is depicted in the group pane 11704."² Rivette provides no teaching that the "group pane" might comprise a plurality of file links. In contrast, a review of Fig. 118 indicates that the "group pane" is used to navigate among a hierarchy of different groups of multiple patents. *Accord, id.*, c. 114, ll. 13-25 ("A group hierarchy is depicted in the group pane 11704. . . . [T]he document pane 11706 includes a list of patents and other documents which are contained within a group selected from the group hierarchy depicted in the group pane 11704.").

Hence, Rivette clearly teaches that a first console pane is used to display groups of patents, and when a group is selected, patents in that group are listed in the document pane. Even assuming (without conceding) that this list of patents might read on "a plurality of file links," this disclosure teaches only a single display section with file links, not two separate display sections, each with a plurality of file links, as recited by claim 1. For this reason alone, the Final Office Action fails to establish that Rivette teaches or suggests each element of claim 1.

Moreover, claim 1 requires that the second display section displays a plurality of file links that each "provid[e] access to a patent file that is associated with an application program." The Final Office Action has not established that Rivette teaches or suggests this element, either. In fact, the rejection of claim 1 does not even address this element. In rejecting claim 13, however, which recites a somewhat similar element, the Final Office Action argues that "Rivette teaches, in column 115, lines 8-15 and column 113, lines 10-35, the user interface module being an application program used in displaying patent files in a variety of formats." Final Office Action, at 6 (¶ 18). The first cited passage discloses,

"Suppose that the operator selects, from the document pane 11706, U.S. Pat. No. 5,029,013. In accordance with this selection, the user interface module 11404 displays the text of the selected patent in a text window 12302 (see FIG. 123), and the image of the selected patent in an image window 12402 (see FIG. 124). The operator may selectively view the text window 12302 individually, the

² It is worth noting that the console in Figs. 117 and 118 of Rivette also includes a third "pane," entitled the "notes pane 11708." Rivette, Fig. 117, 118, c. 114, ll. 12. This component, however, is cited by the Examiner as teaching a third display section (a correspondence section), in rejecting claim 3, which depends from claim 1. Final Office Action, at 4 (¶ 9). Accordingly, Rivette's "notes pane" cannot be considered to teach either the first or second display sections recited in claim 1.

image window 12402 individually, or the text window 12302 and the image window 12402 simultaneously."

Rivette, c. 115, ll. 8-15. The second passage discloses,

Referring to FIG. 114, the user interface module 11404 in the client 304, 306 supports a variety of user interface display formats, windows, and screens for enabling operators working at the client 304, 306 to view, manipulate, and otherwise interact with data. Many of the user interface display formats and display screens supported and provided by the user interface module 11404 are described above. Such user interface display formats and display screens described above include: example user interface display formats pertinent to the searching features of the present invention shown in FIGS. 53-57, an example user interface display format pertinent to the display of group information shown in FIG. 58, examples of patent mapping display formats shown in FIGS. 59 and 60, examples of patent citation report display formats shown in FIGS. 61-65, examples of patent aging display formats shown in FIGS. 66-70, examples of patent clustering/bracketing display formats shown in FIGS. 71-73, examples of inventor patent count display formats shown in FIGS. 74-77, examples of employment information display formats shown FIGS. 78-80, an example display format showing the display of patent text in a first window and patent notes in a second window shown in FIG. 111, and an example display format showing the display of patent text in a first window and patent images in a second window shown in FIG. 112.

Id., c. 113, ll. 10-35.

The Appellant respectfully submits that neither of these two passages teaches, or even suggests, a display section that comprises a plurality of links, each of which "provid[es] access to a patent file that is associated with an application program," as recited by claim 1. The first passage merely notes that either the text and/or image of a patent can be displayed—it describes nothing about any association between the patent and an application program. The second passage is no more helpful. It merely describes different display screens and formats for displaying group relationships among patents. Hence, the Final Office Action fails to establish that Rivette teaches this additional element of claim 1, and the rejection of claim 1 should be reversed for this additional reason.

Further, claim 1 requires that "said patent documents and said patent files accessible from said first and second display sections all pertain to said patent application" (emphasis added). Rivette fails to teach or suggest (and in fact teaches away from) this element of claim 1. Rather than displaying only documents and files related to a single patent application, the user interface disclosed by Fig. 117 and column 114 of Rivette is designed to group multiple patents, for example, by subject matter. Hence, when a group of patents is

selected in the group pane 11704, multiple patents are displayed in the document pane 11706. This can be clearly seen by referring to Fig. 118. In fact, it is respectfully submitted that, if Rivette's interface were modified to display documents from only one patent, there would be little purpose in even having separate group and document panes, since Rivette's interface seems to be designed to display patents in similar subject matter areas for collective analysis. *See, e.g., id.*, c. 12, l. 53 – c. 13, l. 39 ("Being able to automatically process information on a group basis is a very important feature of the invention, and proves to be very valuable and useful.")

The Final Office Action argues that, "if a user drills down to a specific application in the group pane, the only information left to be displayed in the document pane and notes pane would be the information specific to the application" Final Office Action, at 3 (¶ 7). As an initial matter, this is speculation by the Examiner, and it finds no support in the disclosure of Rivette itself. Specifically, a review of Rivette reveals nothing that even suggests that the group pane can be used to "drill down to a specific application," or even that the console of Rivette is used to display information about patent applications (as opposed to issued patents).

Moreover, the closest example Rivette provides to the "drill down" technique proposed by the Examiner is the selection of a group with only a single patent. This scenario is illustrated by Figure 133, and the "document pane" of Figure 133 does not comprise a plurality of file links to documents and files pertaining to a single patent application, but instead comprises a single list entry for a patent. This is unsurprising, since the Final Office Action does not even identify any teaching in Rivette that a single patent might even have multiple associated documents or files; accordingly Rivette provides no disclosure that teaches that a plurality of patent documents and patent files accessible from two display sections all pertain to a single patent application.

Hence, the Final Office Action fails to establish that Rivette teaches or suggests the combination of two display sections that each comprise a plurality of file links that provide access to patent files and documents, and "said patent documents and said patent files accessible from said first and second display sections all pertain to said patent application." For at least these reasons, the Final Office Action has not proven that Rivette anticipates claim 1, and the rejection of claim 1 should be reversed.

b) Claims 13, 20, 32 and 33

The rejection of claim 13 should be reversed as well. Claim 13 recites, inter alia, "using said computer processor to generate on a display at least first, second and third separate sections wherein in said first section is displayed a list of said correspondence, in said second section is displayed a list of said patent documents and in said third section is displayed a list of said patent files." The Final Office Action cites the "group pane 11704" and the "document pane 11706" of Fig. 117 as teaching a display section that displays a list of patent documents and a display section that displays a list of patent files. *See* Final Office Action, at 6 (¶ 18). As noted above with respect to claim 1, the group pane displays neither a list of patent documents nor a list of patent files. Accordingly, for at least this reason, the Final Office Action has not shown that claim 13 is anticipated by Rivette.

Moreover, claim 13 also recites that "at least some of said patent files are associated with an application program." As noted above, the Office Action has identified nothing in Rivette that teaches this element, either.

Finally, claim 13 recites "storing said information on a computer-readable medium, wherein said information includes at least . . . correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system," and "wherein in said first section is displayed a list of said correspondence." The Final Office Action takes the position that Rivette's "notes pane" teaches this element. Final Office Action at 6 (¶ 18) (citing c. 114, ll. 47-57, c. 20, ll. 15-20, and Figs. 117, 118 of Rivette). The Appellant respectfully disagrees.

Rivette describes this "notes pane" in this way:

"The notes pane 11708 displays a list of the notes associated with either a group selected in the group pane 11704, or a patent or document selected in the document pane 11706. The list of notes in the notes pane 11708 is presented in a tabular or "spreadsheet" format. The list of notes in the notes pane 11708 includes information that identifies the type of the note (that is, either a patent/document note or a group note), and the title of the note. All other bibliographic or other information relating to notes can be viewed by manipulating the horizontal scroll bar 11722 in order to sideways scroll in the notes pane 11708."

Rivette, c. 117, ll. 47-57.

The Appellant submits that the ability of a user of the Rivette system to add notes relating to a particular patent or group of patents teaches or suggest correspondence generated from the client systems recited in claim 1. In fact, the Final Office Action does not even identify anything in Rivette that would teach or suggest such client systems themselves. While Rivette does teach a server-client arrangement, *see* Rivette, c. 14, l. 60 – c. 15, l. 29, it fails to teach the different types of clients recited by claim 13. Correspondingly, the Final Office Action fails, for at least this additional reason, to show that Rivette anticipates claim 13, and the Appellant respectfully suggests that the rejection of claim 13 should be reversed.

Claim 20 recites several elements similar to those recited by claim 13 and discussed above, and the Appellants submit that the rejection of claim 20 should be reversed for at least similar reasons.

Claims 32 and 33 are directed to systems, and each recites, *inter alia*,

"store, in said database, information including at least (i) correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system; (ii) patent documents filed in or sent from a patent office; and (iii) patent files associated with said patent application, wherein at least some of said patent documents are stored in an image file format and at least some of said patent files are associated with an application program."

Claims 32 and 33 also each recite

"generate a graphical user interface that can be displayed on said client system display to provide access to said information, said graphical user interface including at least first, second and third separate sections wherein said first section comprises a list of said correspondence, said second section comprises a list of said patent documents and said third section comprises a list of said patent files."

These elements are similar, with regard to the teaching of Rivette, to elements recited in claim 13, and for at least the reasons discussed with respect to claim 13, the rejections of claims 32 and 33 should be reversed as well.

c) Claim 35

Claim 35 recites first, second and third display sections similar to those recited in claim 13, and claim 35 is believed to be allowable over Rivette for at least that reason, as described above with respect to claim 13. In addition, claim 35 recites, "the application documents and the correspondence documents accessible from the first, second and third display sections, respectively, pertain to the patent or patent application." As noted with respect to claims 1 and 13, the Office Action fails to identify any portion of Rivette teaching such an association between all of the displayed links (or their underlying resources) and a single patent or patent application..

Moreover, claim 35 recites that "each of the document file links providing access to an application document that is associated with an application program and stored on a computer-readable medium." As noted above with respect to claim 1, the Final Office Action has not established that Rivette teaches or suggests a file link providing access to a document that is associated with an application program, and claim 35 is believed to be allowable over Rivette for at least this additional reason.

Claim 35 further recites "wherein at least one of the application documents is stored in a word processor format and corresponds to a file history document stored in an image file format that is accessible through the plurality of first file links." This element is not even addressed by the Final Office Action, and it is believed that this element provides an additional point of novelty over Rivette. Accordingly, the rejection of claim 35 should be reversed for this reason, if for no other.

d) Claims 2-11, 14-18, 21, 23-29, 31, 34, and 26-38

Claims 2-11 depend from claim 1, claims 14-18 depend from claim 13, claims 21, 23-29 and 31 depend from claim 20, claim 34 depends from claim 33, and claims 36-38 depend from claim 35. As noted above, the rejections of claims 1, 13, 20, 32, 33 and 35 should be reversed. Similarly, the rejections of these dependent claims should be reversed as well, at least by virtue of the dependent claims' dependence from allowable base claims.


2. Claims 12, 19, 22 and 30 are allowable over Rivette.

The office action rejected claims 12, 19, 22 and 30 under § 103(a) as being unpatentable over Rivette. Claim 12 depends from claim 1, claim 19 depends from claim 13, and claims 22 and 30 depend from claim 20. The claims rejected under § 103(a), therefore, are believed to be allowable by virtue of their dependence from allowable base claims.

8. CONCLUSION

For these reasons, it is respectfully submitted that the rejection should be reversed.

Respectfully submitted,


Chad E. King
Reg. No. 44,187

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
60888903 v1

9. CLAIMS APPENDIX

1. (Previously Presented) A computer graphical user interface that provides access to information pertaining to a patent application, said graphical user interface comprising:

a first display section in which is displayed a plurality of first file links selectable by said user, each of said first file links providing access to a patent document that was filed in or sent from a patent office and that is stored on a computer-readable medium in an image file format, wherein when one of said first file links is selected an associated underlying resource is automatically returned; and

a second display section in which is displayed a plurality of second file links selectable by said user, each of said second file links providing access to a patent file that is associated with an application program and stored on a computer-readable medium;

wherein said patent documents and said patent files accessible from said first and second display sections all pertain to said patent application.

2. (Previously Presented) The graphical user interface of claim 1 wherein each of said patent files is stored on said computer-readable medium in a format native to said associated application program or convertible to said native format by said associated application program.

3. (Previously Presented) The graphical user interface of claim 2 wherein at least one of said patent files accessible through said plurality of second file links corresponds to a patent document accessible through said plurality of first file links.

4. (Original) The graphical user interface of claim 1 further comprising a third display section in which is displayed a plurality of third file links selectable by a user of the user interface, each of said third file links providing access to correspondence generated from one or more of an inventor client system, an in-house client system or an outside representative client system, wherein said correspondence is stored on a computer-readable medium and pertains to said patent application.

5. (Original) The graphical user interface of claim 4 wherein said first, second and third plurality of file links are either html hypertext links or folders.

6. (Original) The graphical user interface of claim 5 wherein each of said first, second and third sections are a panel on a Web page.

7. (Original) The graphical user interface of claim 4 wherein each of said first, second and third sections are a panel of a window in a Windows™ based environment.

8. (Original) The graphical user interface of claim 4 wherein said first, second and third display sections are displayed adjacent to each other across a width of a display.

9. (Original) The graphical user interface of claim 1 wherein said second display section also includes a plurality of fourth file links wherein each of said fourth file links provides access to a document that is a prior art reference to said patent application.

10. (Original) The graphical user interface of claim 1 wherein said first and second display sections are separate windows.

11. (Original) The graphical user interface of claim 1 wherein said first and second display sections are panels of a single window.

12. (Original) The graphical user interface of claim 1 wherein said patent documents are locked and not available to be edited.

13. (Original) A method of providing access to information pertaining to a patent application, said method comprising:

storing said information on a computer-readable medium, wherein said information includes at least (i) correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system; (ii) patent documents filed in or sent from a patent office; and (iii) patent files associated with said patent

application, wherein at least some of said patent documents are stored in an image file format and at least some of said patent files are associated with an application program;

accessing said computer-readable medium with a computer processor and using said computer processor to generate on a display at least first, second and third separate sections wherein in said first section is displayed a list of said correspondence, in said second section is displayed a list of said patent documents and in said third section is displayed a list of said patent files.

14. (Previously Presented) The method of claim 12 wherein at least some patent files are stored in a format native to said associated application program.

15. (Original) The method of claim 13 wherein said computer generates a fourth separate section, said fourth section including summary information related to said patent application including at least said application title and a file number.

16. (Original) The method of claim 15 wherein said fourth section further comprises an information icon that, when selected, causes additional summary information related to said patent application to be displayed.

17. (Original) The method of claim 13 wherein each of said first, second and third display sections comprises a plurality of rows with each row containing a file link selectable by a user to allow said user to view one or more of said correspondence, said patent documents or said patent files.

18. (Original) The method of claim 17 wherein each of said file links is either a hypertext link or a folder or package that contains other folders and/or hypertext links.

19. (Original) The method of claim 13 wherein said patent documents are locked and not available to be edited.

20. (Original) A computer-implemented method of providing access to information pertaining to a patent application, said method comprising:

storing said information on a computer-readable medium accessible to a server system, wherein said information includes at least (i) correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system; (ii) patent documents filed in or sent from a patent office; and (iii) patent files associated with said patent application, wherein at least some of said patent documents are stored in an image file format and at least some of said patent files are associated with an application program;

generating a web page from said server system, said web page including at least first, second and third separate sections wherein said first section comprises file links to said correspondence, said second section comprises file links to said patent documents and said third section comprises file links to said patent files; and

viewing said web page from a client system.

21. (Original) The computer implemented method of claim 20 wherein said at least some patent files are stored in a format native to said associated application program.

22. (Original) The method of claim 20 wherein said patent documents are locked and thereby not available to be edited by client systems.

23. (Original) The method of claim 20 wherein said patent documents are stored in a bit-mapped format.

24. (Original) The method of claim 23 wherein said patent documents stored in bit-mapped format include documents scanned from a paper document and documents generated from said patent files.

25. (Original) The method of claim 20 wherein said web page further includes a information icon, which when selected by said client system, causes a case information web page to be generated by said server system and displayed on said client system, said case information web page displaying at least a filing date and application number associated with said patent application.

26. (Original) The method of claim 25 wherein said case information web page further includes links to additional information associated with said patent application, including priority information, power of attorney information, assignment information and comments.

27. (Original) The method of claim 20 wherein said first, second and third sections are positioned side-by-side horizontally across said display.

28. (Original) The method of claim 20 wherein said first and third sections each comprise a create icon that when selected by a client system creates a document to be stored in that section, wherein at least some information in said document is populated with information that was previously associated with said patent application and stored in a database.

29. (Original) The method of claim 20 wherein each of said file links is either a hypertext link or a folder that contains other folders and/or hypertext links.

30. (Original) The method of claim 20 wherein said first and third sections each comprise an upload icon that when selected by a client system allows an electronic document to be associated with the patent application.

31. (Original) The method of claim 20 wherein at least one of said patent files corresponds to one of said patent documents.

32. (Original) A server system for managing information related to patent applications, said server system comprising:

- (a) a processor;
- (b) a database; and
- (c) a memory for storing a computer program;

wherein said processor is operative with said computer program to:

store, in said database, information including at least (i) correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system; (ii) patent documents filed in or sent from a patent office;

and (iii) patent files associated with said patent application, wherein at least some of said patent documents are stored in an image file format and at least some of said patent files are associated with an application program; and

generate a graphical user interface that can be displayed on a display to provide access to said information, said graphical user interface including at least first, second and third separate sections wherein said first section comprises a list of said correspondence, said second section comprises a list of said patent documents and said third section comprises a list of said patent files.

33. (Original) A networked system comprising:

- (a) a communication network;
- (b) a client system coupled to the communication network, said client system comprising a processor and a display;
- (c) a server system coupled to the communication network, said server system comprising a processor, a database, and a memory for storing a computer program;

wherein said processor is operative with said computer program to:

store, in said database, information including at least (i) correspondence generated from one or more of an inventor client system, an in-house client system and an outside representative client system; (ii) patent documents filed in or sent from a patent office; and (iii) patent files associated with said patent application, wherein at least some of said patent documents are stored in an image file format and at least some of said patent files are associated with an application program; and

generate a graphical user interface that can be displayed on said client system display to provide access to said information, said graphical user interface including at least first, second and third separate sections wherein said first section comprises a list of said correspondence, said second section comprises a list of said patent documents and said third section comprises a list of said patent files.

34. (Original) The networked system of claim 33 wherein said communication network is the Internet.

35. (Previously Presented) A computer graphical user interface that provides access to information pertaining to a patent or patent application, said graphical user interface comprising:

first, second and third display sections displayed side-by-side across a width of a display;

the first display section comprising a first plurality of rows, each row in the first plurality of rows including an image file link selectable by a user, each of the image file links providing access to a file history document stored on a computer-readable medium in an image file format, wherein each file history document represents a document that was filed in or sent from a patent office for the patent or patent application; and

the second display section comprising a second plurality of rows, each row in the second plurality of rows including a document file link selectable by a user, each of the document file links providing access to an application document that is associated with an application program and stored on a computer-readable medium, wherein at least one of the application documents is stored in a word processor format and corresponds to a file history document stored in an image file format that is accessible through the plurality of first file links;

the third display section including a third plurality of rows, each row in the third plurality of rows including a correspondence file link selectable by a user, each of the correspondence file links providing access to correspondence generated from one or more of an inventor client system, an in-house client system or an outside representative client system and stored on a computer-readable medium;

wherein the file history documents, the application documents and the correspondence documents accessible from the first, second and third display sections, respectively, pertain to the patent or patent application and wherein when one of said image file links, said document file links or said correspondence file links is selected an associated underlying resource is automatically returned.

36. (Previously Presented) The graphical user interface of claim 35 further comprising a fourth display section spaced vertically from the first, second and third display sections, the fourth display section including summary information related to said patent

application including at least said application title and an icon that, when selected, causes additional summary information related to said patent application to be displayed.

37. (Previously Presented) The graphical user interface of claim 1 wherein the associated underlying resource comprises a document, a page, a folder or a package.

38. (Previously Presented) The graphical user interface of claim 35 wherein the associated underlying resource comprises a document, a page, a folder or a package.

10. EVIDENCE APPENDIX

None.

11. RELATED PROCEEDINGS APPENDIX

None.